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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,827	11/19/2003	Bernard J. Hryzak	051481-5120	3643
9629	7590	05/06/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			OMGBA, ESSAMA	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,827

Applicant(s)

HRYTZAK ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/21/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 8 and 12 are objected to because of the following informalities: in claim 8, line 1, "faces" should read --surfaces-- so as to use consistent language throughout the claims; in claim 12, line 2, --the-- should be inserted before "head". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirrish et al. (US Patent 4,204,566).

With regards to claim 1, Kirrish et al. discloses a retaining system comprising a first element 12 including a body extending along a longitudinal axis between first and second end portions, the body having at the first end portion a first maximum outside dimension 26 perpendicular to the longitudinal axis, and having at the second end portion a second maximum outside dimension (outside diameter of head 16), the second maximum outside dimension being greater than the first maximum outside dimension (figures 1-3), and the body including a band 28 generally surrounding the longitudinal axis at an intermediate portion between the first and second end portions,

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the band having a first lateral side 30 generally facing the first end portion, a second lateral side 31 generally facing the second end portion, and a crest spaced between the first and second lateral surfaces (figure 3), the crest defining a third maximum outside dimension greater than the first maximum outside dimension (col. 2, lines 37-42) and less than the second maximum outside dimension (figure 3), and a second element 14 adapted to extend along the longitudinal axis and to surround the body, the second element including a first section proximate the first end portion, a second section adapted to abut the second end portion, and an intermediate section extending between and resiliently coupling the first and second sections, the intermediate section being adapted to overly the band only at one position (col. 2, lines 57-68, col. 3, lines 1-25 and figure 1 and 3.

For claims 2-4 and 6, see column 2, lines 57-68, column 3, lines 1-4 and figures 1 and 3.

For claim 5, see figure 3, the crest of band 28 has a longitudinal width between the first and second lateral surfaces that is less than the pitch of the coil.

With regards to claim 7, Kirrish et al. discloses a retainer for holding along a longitudinal axis a helical compression spring 14 with respect to a threaded fastener 12, the helical compression spring including generally closed first and second ends that are generally parallel to one another and including a portion of a coil having a pitch along the longitudinal axis and coupling the first and second ends, and the first end having an inside diameter (col. 2, lines 57-68, column 3, lines 1-4 and figure 3), the threaded fastener including a threaded section 20 col. 2, lines 29-31), a head 16 (col. 2, lines 23-

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26) and a shank 18 coupling the threaded section and the head (col. 2, lines 26-29), the threaded section and the shank portion having outside diameter less than the inside diameter (col. 2, lines 32-35 and 61-65), the retainer comprising an annular ridge 28 projecting from the shank (col. 2, lines 36-41), the annular ridge including a first lateral surface 31 generally confronting the head, a second lateral surface 30 generally facing the threaded section, and a crest spaced along the longitudinal axis between the first and second lateral surfaces, the crest defining a maximum ridge diameter greater than the inside diameter of the closed first end (col. 2, lines 41-51 and figure 3).

With regards to claim 11, Kirrish et al. discloses a method of releasably retaining along a longitudinal axis a helical compression spring 28 with respect to a threaded fastener 12 (col. 1, lines 6-8), the helical compression spring including generally closed first and second ends that are generally parallel to one another and including a portion of a coil having a pitch along the longitudinal axis and coupling the first and second ends, and the first end having an inside diameter (col. 2, lines 57-68, column 3, lines 1-4 and figure 3), the threaded fastener including a threaded section 20 (col. 2, lines 29-31), a head 16 (col. 2, lines 23-26) and a shank 18 coupling the threaded section and the head (col. 2, lines 26-29), the threaded section and the shank portion having outside diameters less than the inside diameter (col. 2, lines 32-35 and 61-65), the retainer comprising an annular ridge 28 projecting from the shank (col. 2, lines 36-41), the annular ridge including a first lateral surface 31 generally confronting the head, a second lateral surface 30 generally facing the threaded section, and a crest spaced along the longitudinal axis between the first and second lateral surfaces, the crest

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defining a maximum ridge diameter greater than the inside diameter of the closed first end (col. 2, lines 41-51 and figure 3), the method comprising moving substantially without interference away from the threaded section the first end over the first lateral surface (since the outside diameter of the threaded section is less than the inside diameter), snapping the first end over the crest and moving substantially without interference toward the head the first end over the second lateral surface and a portion of the shank (col. 3, lines 5-18 and since the outside diameter of the shank is less than the inside diameter).

For claim 12, see column 3, lines 11-15.

For claims 13 and 14, Applicant should note that it is inherent that the fastener-spring assembly of Kirrish et al. will move as claimed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirrish et al.

Kirrish et al. discloses a retainer as shown above. Although the lateral surfaces of Kirrish et al. are not substantially parallel to one another and the annular ridge does not comprise first and second slopping surfaces defining a semi-circle when viewed in

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cross-section, however Kirrish teaches that alternative forms of the retainer may be used, see column 3, lines 50-55. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the form of the retainer is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in using a particular form of the retainer as long as the spring is effectively releasably retained on the fastener. Furthermore it is within the general knowledge of one of ordinary skill in the art to provide retainers whose forms are appropriate for the particular applications.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F (10-7:30) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgba
Primary Examiner
Art Unit 3726

eo
April 27, 2005